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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Kenichi OINOUE

Date: February 14, 2005

Serial No.: 09/627,637

Group Art Unit: 2615

Filed: July 28, 2000

Examiner: Brian C. Genco

For: ELECTRONIC CAMERA AND ELECTRONIC CAMERA SYSTEM

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO ADVISORY ACTION
AND REQUEST FOR RECONSIDERATION

Sir:

Applicant responds herein to the Advisory Action dated November 15, 2004.

Reconsideration of the application is respectfully requested.

FEE CALCULATION

Any additional fee required has been calculated as follows:

_____ If checked, "Small Entity" status is claimed.

	NO. CLAIMS AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		EXTRA PRESENT		RATE	ADDIT. FEE
TOTAL	7	MINUS	20	* =	0	X	(\$25 SE or \$50)	\$
INDEP.	6	MINUS	6	** =	0	X	(\$100 SE or \$200)	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM						X	(\$180 SE or \$360)	\$

* not less than 20 ** not less than 3

TOTAL \$

If any additional payment is required, a check which includes the calculated fee of \$ _____
(ÔFGS Check No. _____) is attached.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

SUMMARY OF AMENDMENTS

1. ☐ If checked, an abstract (an amended abstract) is submitted herewith.
2. ☐ If checked, amendment(s) to the drawings are submitted herewith.
3. ☐ If checked, amendment(s) to the specification are submitted herewith.
4. ☐ If checked, amendment(s) to the claims are submitted herewith.

REMARKS/ARGUMENT

Applicant responds herein to the Advisory Action dated November 15, 2004, and specifically to the comments at pages 2 and 3 thereof.

The Examiner is pointing to Figure 4 and contending that it is insufficient to support the claims, because of lack of sufficient description in the specification.

In the first instance, the case law is legion that the specification and the disclosure of an application consists of the text in the specification, the drawings and the claims. Indeed, Figure 4 shows the states of various mode switches 13, as described in the specification, including the following four modes:

record mode,
picture quality mode
image transfer mode, and
reproduction mode.

These modes are described in the specification. Therefore, the pages in the specification that refer to Figure 4 and Figure 4 itself fully support the claim language concerning the existence of mode switches for setting the above four modes. The disclosure of these four modes is explicit, as well as implicit, in the specification.

Regarding the feature involving the function to transfer the capacity setting mode switch, it is noted that this is not explicitly described as “the mode”, but a capacity of the image data recorded on memory card 27 being provided in advance and determining whether it is exceeded or not, is specifically described at page 12, line 22 to page 13, line 9. As such, it absolutely follows, and it is clear, that there is a switch (i.e., a transfer capacity setting mode switch) to set the transfer capacity. In addition, it is described that “when the record capacity of memory card 27 is, for example, 8 MB, and the predetermined constant value becomes 6 MB, that is, when remainder capacity of memory card 27 becomes below 2 MB, it is judged ‘Y’.” Since it is described in the specification to set the predetermined value (that is, a set value) beforehand, as mentioned above, it is clear that there is switch to set the transfer capacity.

Furthermore, as regards the reset operation with the reset means, the operation described and identified as S08 of Figure 8, is expressed as a reset means. Therefore, the reset operation is described in the specification.

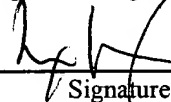
In view of the foregoing comments, the applicant respectfully traverses and asks reconsideration and withdrawal of the position taken in the aforementioned Advisory Action, since, as shown above, the various mode switches are described in Figure 4 and are supported by the specification.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 14, 2005

Max Moskowitz

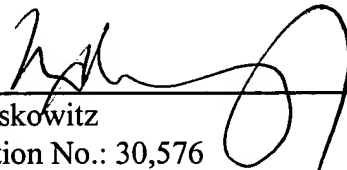
Name of applicant, assignee or
Registered Representative


Signature

February 14, 2005

Date of Signature

Respectfully submitted,



Max Moskowitz

Registration No.: 30,576

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700